

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 EB-11 CIAE-00 PM-07 INR-10 L-03 NEA-10

NSAE-00 PA-04 RSC-01 PRS-01 SPC-03 USIA-15 TRSE-00

SAJ-01 DODE-00 DRC-01 IGA-02 /095 W

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FM AMEMBASSY BONN

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USDOC FOR COMMUNICATIONS AND ELECTRONICS DIVISION, BDC-720

E.O. 11652:N/A

TAGS: BEXP, GW NATO

SUBJECT: REPORTING OF NATO PROJECT NOTICES OF INTENT

REF: A) STATE 191787; B) BONN 12298; C) BONN 13776;

D) BONN 13713; E) STATE A-8147; F) STATE A-7974

SUMMARY

1. REFTEL A CRITICIZES EMBASSY FOR REPORTING A RECENT NATO PROJECT NOTICE OF INTENT COVERING CONSTRUCTION OF A DEEP WATER DIVING CHAMBER IN (A) A CONFUSING MANNER AND (B) CREATING A NEEDLESS FLOW OF TELEGRAMS BETWEEN WASHINGTON AND THE POST.

2. WE DO NOT FEEL THAT THE CRITICISM IS JUSTIFIED. ON THE FIRST POINT, THE REPORTING PROCEDURE WAS ESTABLISHED BY THE DEPARTMENT, AND ON THE SECOND, THE CONFUSION WAS CAUSED BY AN INCORRECTLY FILED BID APPLICATION FROM AN AMERICAN FIRM. SINCE THE DEADLINE HAD NOT YET PASSED, WE FELT IT WAS IMPORTANT TO TRY TO SALVAGE THE FIRM'S OPPORTUNITY TO BID. A TIMELY TELEGRAM TO WASHINGTON INDICATING WHAT CORRECTIVE ACTION THE FIRM MUST TAKE TO REMAIN IN UNCLASSIFIED

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POSITION TO BID HARDLY CAN BE CHARACTERIZED AS "NEEDLESS." ON THE

CONTRARY, THIS IS PRECISELY WHAT THE FOREIGN SERVICE SHOULD BE DOING IN SUPPORT OF AMERICAN FIRMS. END SUMMARY.

3. THE EMBASSY REPORTING PROCEDURE IS BASED ON INSTRUCTIONS OUTLINED IN STATE CA-629, JULY 25, 1967, AND STATE A-219, JULY 26, 1968, WHICH TO OUR KNOWLEDGE HAVE NOT BEEN SUPERSEDED.

4. IN THE CASE OF THE NATO NOTICE OF INTENT FOR "CONSTRUCTUION OF A DEEP WATER DIVING CHAMBER", THE EMBASSY ACTUALLY ALERTED THE DEPARTMENT ON AUGUST 28(REFTEL B), EIGHT DAYS IN ADVANCE OF OUR RECEIPT OF THE PRINTED OFFICIAL NOTICE OF INTENT FROM THE GERMAN FOREIGN OFFICE ON SEPTEMBER 4. THIS WAS DONE BECAUSE WE FELT AMERICAN FIRMS WERE PARTICULARLY WELL QUALIFIED TO SUPPLY THE EQUIPME NT.

WHILE NATO GUIDELINES FOR AWARDDING CONTRACTS REQUIRE ONLY A THREE-WEEK PERIOD BETWEEN RECEIPT OF THE NOTICE OF INTENT AND THE DEADLINE FOR FILING APPLICATIONS (SEPTEMBER 25 IN THIS CASE), TIMELY NOTIFICATION BY CABLE ADDED ONE WEEK OF REACTION TIME FOR POTENTIAL AMERICAN SUPPLIERS. THE EMBASSY OBTAINED AND REPORTED THE INFORMAL EXTENSION OF THE APPLICATION DATE UNTIL COB OCTOBER 1 (REFTEL C) WHICH STRETCHED THE TOTAL TO FIVE WEEKS.

5. DURING THIS TIME THE EMBASSY WAS REQUESTED BY THE BUNDESAMT

FUER GEWERBLICHE WIRTSCHAFT TO TAKE ACTION IN THE INTEREST OF A PROSPECTIVE US BIDDER WHO DID NOT FULLY COMPLY WITH THE REQUIREMENTS EVEN THOUGH THESE ARE CLEARLY OUTLINED IN THE NOTICE OF INTENT AND THE APPLICATION FORM. THIS ACTION, OF COURSE, GENERATED ANOTHER TELEGRAM (REFTEL D), BUT WE DID NOT CONSIDER IT "NEEDLESS."

6. WHAT IS NOT CLEAR TO US IS WHETHER THE FIRM IN QUESTION SIMPLY OVERLOOKED ONE OR MORE OF THE REQUIREMENTS IN PREPARING ITS APPLICATION OR WHETHER IT DID NOT HAVE ACCESS TO THE "NOTICE OF INTENT" WHICH SPELS OUT CONDITIONS AND APPLICATION REQUIREMENTS. WE HAVE RE-READ THE NOTICE OF INTENT CAREFULLY --IT IS IN BOTH GERMAN AND ENGLISH AND ONLY ABOUT 600 WORDS LONG. THERE ARE FIVE NUMBERED PARAGRAPHS DECCRIBING THE PROJECT AND TEN OUTLINING THE APPLICATION PROCEDURE. THERE SHOULD BE NO PROBLEM UNDERSTANDING WHAT IS CALLED FOR. ADMITTEDLY, THE PROJECT DESCRIPTION IS UNCLASSIFIED

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EXTREMELY BRIEF AND MAY NOT CONTAIN ENOUGH DETAIL FOR AN INTERESTED FIRM TO DETERMINE WHETHER IT IS WORTH SPENDING \$200 TO OBTAIN THE DETAILED SPECIFICATIONS. IF THIS IS A FREQUENTLY RECURRING PROBLEM, IT MIGHT BE TAKEN UP WITHIN THE NATO CONTEXT. THE EMBASSY, IN ANY CASE, IS NOT ABLE TO PROVIDE MORE DETAIL THAN APPEARS IN THE PRINTED NOTICE OF INTENT.

7. THE APPLICATION FROM LOCKHEED MISSILE SYSTEMS (REFAIR E)

WAS RECEIVED BY THE EMBASSY OCTOBER 2 AND FAILED TO MEET THE EXTENDED DEADLINE OF OCTOBER 1. WE DO NOT UNDERSTAND WHY THE DEPARTMENT, IN VIEW OF THE TIME ELEMENT INVOLVED, DID NOT FORWARD THE APPLICATION DIRECTLY TO THE BUNDESAMT FÜR GEWERBLICHE WIRTSCHAFT AS CALLED FOR IN THE NOTICE OF INTENT OR CABLE THE EMBASSY THAT IT WAS ENROUTE. WE DO NOT UNDERSTAND WHY LOCKHEED MADE PAYMENT DIRECTLY TO THE BUNDESAMT EVEN THOUGH THE NOTICE OF INTENT AND REFTEL D INDICATED THE PAYMENT WAS TO BE MADE TO THE POSTSCHECKAMT AT HAMBURG.

8. LOOKING AHEAD, TWO RECENT DEVELOPMENTS INDICATE THAT IT WOULD BE APPROPRIATE TO REVIEW PROCEDURES FOR NATO PROJECT REPORTING: (A) THE HOUSING MINISTRY TELLS US INFORMALLY IT UNDERSTANDS THE NATO PROCEDURE IS TO BE CHANGED BUT WE HAVE NO DETAILS; (B) REFAIR F INDICATES A REVISED FORMAT WILL BE ADOPTED SHORTLY FOR REPORTING GOVERNMENT TENDERS WHICH CAN BE INPUTTED INTO THE TOP COMPUTER. WE SUGGEST THEREFORE THAT THE DEPARTMENT COVER NATO NOTICES OF INTENT IN THESE FORTHCOMING INSTRUCTIONS OR, ALTERNATIVELY, REVIEW THE EXISTING GUIDANCE AND ADVISE WHETHER CHANGES ARE DESIRED. HILLENBRAND

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